

51

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services


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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
BCIS, AAO, 20 MASS, 3/F
Washington, D.C. 20536

File: LOS 214F 1801 Office: LOS ANGELES, CALIFORNIA

Date: MAY 19 2003

IN RE: Petitioner: 

Petition: Petition for Approval of School for Attendance by Nonimmigrant Students under Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(F)(i)

ON BEHALF OF PETITIONER:

PUBLIC COPY

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Petition for Approval of School for Attendance by Nonimmigrant Students (Form I-17) was denied by the District Director, Los Angeles, California. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on motion to reopen. The motion will be granted. The previous decision of the AAO will be affirmed.

The Form I-17 reflects that the petitioner in this matter, [REDACTED] is a private postsecondary school established in 1997. The school offers master degree programs in business administration and international commerce and trade. The school declares an enrollment of 100 students¹ with ten instructors. The petitioner seeks approval for attendance by F-1 nonimmigrant academic students.

The district director issued a request for evidence, then denied the petition, finding that the petitioner failed to provide the Bureau with sufficient evidence to satisfy the requirements at 8 C.F.R. § 214.3. The district director found that the petitioner failed to detail the size of its physical plant, the nature of its facilities for study and training, and the salaries of its teachers and its finances as required under 8 C.F.R. § 214.3(b). The district director further determined that the petitioner failed to establish that at least three degree-granting institutions of higher learning accepted its credits unconditionally as required by 8 C.F.R. § 214.3(c). The district director denied the petition in part, finding that the petitioner failed to establish that it is an established institution of learning or other recognized place of study as required by 8 C.F.R. § 214.3(e).

On motion, the president of the petitioning school submits additional documentation.

8 C.F.R. § 214.3(b) specifies required supporting evidence, in pertinent part, as follows:

. . . . A school catalogue, if one is issued, shall also be submitted with each petition. If not included in the catalogue, or if a catalogue is not issued, the school shall furnish a written statement containing information concerning the size of its physical plant, nature of its facilities for study and training, educational, vocational or professional qualifications of the teaching staff, salaries of the teachers, attendance and scholastic grading policy, amount and character of supervisory and consultative services available to students and trainees, and finances (including a certified copy of accountant's last statement of school's net worth, income, and expenses).

¹ In a letter dated August 23, 2002, the petitioner indicated that it had four students enrolled.

8 C.F.R. § 214.3(c) provides, in part:

If the petitioner is an institution of higher education. . . it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if does not confer such degrees that its credits have been and are accepted unconditionally by at least three such institutions of higher learning.

8 C.F.R. § 214.3(e)(1) provides that the petitioner must establish that:

- (i) It is a bona fide school;
- (ii) It is an established institution of learning or other recognized place of study;
- (iii) It possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and
- (iv) It is, in fact, engaged in instruction in those courses.

On motion, the petitioner provides the Bureau with copies of its school catalogue and lease. The petitioner also submit information about the salaries of its instructors, plus a diagram and map of its facilities. In review, the petitioner supplied the Bureau with sufficient evidence about the size of its physical plant, the nature of its facilities and its teachers' salaries. However, the petitioner failed to provide the Bureau with certified financial statements as required by 8 C.F.R. § 214.3(b).

The petitioner admits that its degrees are not "recognized" in that the school is not yet accredited. The district director denied the petition in part, finding that the petitioner failed to establish that at least three degree-granting institutions of higher learning accept its credits unconditionally as required at 8 C.F.R. § 214.3(c). To satisfy this requirement, the petitioner submits copies of three articulation agreements. It is noted that each of the three articulation agreements are limited to accepting credits earned at the petitioning school in "business computers," whereas the petitioner offers more than just computer science coursework. In review, the petitioner failed to satisfy this requirement.

The district director denied the petition, finding that the petitioner failed to establish that it is a bona fide school as required by 8 C.F.R. § 214.3(e). The petitioner provided the Bureau with evidence that it obtained state approval to operate as a school beginning June 30, 1999. The petitioner has overcome this objection of the district director.

In review, the petitioner provided the Bureau with some but not all of the required documentation. The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden.

ORDER: The decision of the AAO dated July 26, 2002 is affirmed.